

## Message Text

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ACTION L-03

INFO OCT-01 EUR-12 ISO-00 OIC-02 SSO-00 INRE-00 NSCE-00  
ACDA-12 CIAE-00 INR-07 IO-14 NSAE-00 EB-08 NRC-07  
OES-07 FEAE-00 DODE-00 SS-15 SP-02 AF-10 ARA-14  
EA-12 NEA-10 CEQ-01 EPA-04 /141 W  
-----054066 271612Z /47

O 271450Z OCT 77  
FM AMEMBASSY VIENNA  
TO SECSTATE WASHDC IMMEDIATE 3834  
INFO USERDA HQ WASHDC IMMEDIATE  
USERDA HQ GERMANTOWN IMMEDIATE

UNCLAS SECTION 1 OF 2 VIENNA 9479

USIAEA

DEPT PASS IO/SCT, OES, NRC, ACDA

ERDA FOR V. HUDGINS, ACDA FOR MAZEAU, L FOR BETTAUER, NRC  
FOR BURNETT

E.O. 11652: N/A  
TAGS: AORG, PARM, TECH, MNUC  
SUBJECT: MEETING ON PHYSICAL PROTECTION CONVENTION: HOW IT  
SHAPES UP

REF: STATE 255373

SUMMARY: THIS MESSAGE TRANSMITS STATUS REPORT, ON EVE OF  
OCTOBER 31 - NOVEMBER 11 MEETING ON PHYSICAL PROTECTION  
CONVENTION, INCLUDING MEMBER STATES PARTICIPATING, PROBABLE  
SLATE OF OFFICERS FOR MEETING, AND PRINCIPLE PROBLEM AREAS  
U.S. NEGOTIATORS WILL FACE IN ADDRESSING U.S. DRAFT CON-  
VENTION. END SUMMARY.

1. AS OF THIS DATE, SECRETARIAT HAS BEEN INFORMED BY 36  
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MEMBER STATES (INCLUDING U.S.) OF THEIR INTENTION TO  
PARTICIPATE IN SUBJECT MEETING: SWEDEN, USSR, POLAND,  
IRAN, FINLAND, FRANCE, SWITZERLAND, GDR, PHILIPPINES,  
ISRAEL, NETHERLANDS, INDIA, FRG, UK, AUSTRIA, MEXICO,  
AUSTRALIA, PANAMA, CANADA, NORWAY, CZECHOSLOVAKIA, HUNGARY,  
BULGARIA, ROMANIA, EGYPT, JAPAN, TURKEY, LIBYA, BELGIUM,  
COLOMBIA, CHILE, BRAZIL, ITALY, VENEZUELA, DENMARK, REPS

OF IATA AND UNEP WILL ALSO PARTICIPATE. SOUTH AFRICA IS AMONG EIGHT STATES WHICH HAVE NOTIFIED THE AGENCY THAT THEY WILL NOT RPT NOT PARTICIPATE. AMONG THE PARTICIPATING STATES (APART FROM U.S.), USSR, FINLAND, FRANCE, GDR, INDIA, FRG, UK AND CANADA APPEAR TO BE FIELDING THE LARGEST DELEGATIONS.

2. AS REPORTED EARLIER, PHILIPPINES AMBASSADOR SIAZON IS SOLE CANDIDATE FOR CHAIRMAN OF MEETING. SIAZON IS ABLE DIPLOMAT AND EXPERIENCED IN CONFERENCE PROCEDURE. TWO VICE-CHAIRMEN WILL PROBABLY BE PROVIDED BY EE AND WE AREAS WILL PROVIDE NAMES WHEN THEY FIRM UP. AUSTRALIA, WHOSE DELEGATION WILL BE HEADED BY ALLAN WILSON, WILL PROVIDE RAPPORTEUR. (PROBABLY HERRON OF EXTAFF).

3. LIKELY MAIN PROBLEM AREAS IN U.S. DRAFT TEXT: AS DEPT AWARE, SEVENTEEN STATES HAVE THUS FAR SUBMITTED TO SECRETARIAT WRITTEN COMMENTS ON U.S. DRAFT CONVENTION. WHILE THESE ARE FAR-RANGING, THE BULK OF THESE COMMENTS ADDRESS THE FIRST SEVEN ARTICLES AND THE ANNEX. PRINCIPAL AREAS OF CONCERN REVEALED IN THE COMMENTS ARE THE CONVENTION'S SCOPE, THE DEFINITION OF NUCLEAR MATERIAL, LEVELS AND METHODS OF PROTECTION AND IMPLEMENTATION.

(A) SCOPE OF CONVENTION: TWO STATES, IN THEIR COMMENTS ON THE DRAFT CONVENTION, INDIA AND SWEDEN, HAVE MADE IT CLEAR UNCLASSIFIED

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THAT THE CONVENTION'S SCOPE SHOULD BE RESTRICTED TO APPLY TO NUCLEAR MATERIAL IN INTERNATIONAL TRANSPORT, WHICH INDIA DEFINES AS TRANSPORT OF MATERIAL QUOTE FROM TERRITORIAL JURISDICTION OF ONE STATE TO THAT OF ANOTHER. UNQUOTE. NOTE THAT NUCLEAR FACILITIES AND TRANSPORTS ARE EXCLUDED. ARGENTINA, ON THE OTHER HAND, CAN BE EXPECTED TO RAISE THE QUESTION OF APPLICABILITY TO COVER NUCLEAR WEAPONS; E.G. IN CASE OF THEFT OF SAME. (B) NUCLEAR MATERIALS: (ARTICLES 1, 3, 4 AND ANNEX) THREE STATES (IRAN, ITALY, SOUTH AFRICA) NOTE THAT THE DEFINITION OF NUCLEAR MATERIAL CONTAINED ARTICLE 1 SHOULD BE CONSISTENT WITH THAT GIVEN IN INFCIRC/153 (PARA 112). SWITZERLAND CLAIMS THAT INCLUSION OF ALL PLUTONIUM IS A DEPARTURE FROM IAEA STATUTE. WITH REGARD TO QUANTITIES OF NUCLEAR MATERIAL COVERED, IRAN, POLAND, AUSTRALIA WOULD PREFER TO SEE A MORE PRECISE DEFINITION OF MINIMAL QUANTITIES BELOW WHICH THE CONVENTION WOULD NOT APPLY. BOTH INDIA AND NORWAY SUGGEST THAT THE ANNEX BE REPLACED BY THAT CONTAINED IN INFCIRC/225/REV. 1.

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UNCLAS SECTION 2 OF 2 VIENNA 9479

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DEPT PASS IO/SCT, OES, NRC, ACDA

ERDA FOR V. HUDGINS, ACDA FOR MAZEAU, L FOR BETTAUER, NRC  
FOR BURNETT

ITALY ARGUES THAT PU CONTAINING OVER 80 PERCENT PU-238  
SHOULD NOT BE EXCLUDED FROM COVERAGE AND THAT ONLY U EN-  
RICHED OVER 20 PERCENT IN U-235 SHOULD BE COVERED.

(C) LEVELS AND METHODS OF PROTECTION (ARTICLE 312, 4):  
BELGIUM AND NORWAY WOULD PREFER MORE PRECISE WORDING IN  
ARTICLE 3.2. AUSTRALIA WISHES TO TIGHTEN UP THIS SAME  
SECTION TO REQUIRE THAT ONLY GUIDELINES RECOGNIZED BY THE  
IAEA WOULD BE USED BY STATES AS A BASIS FOR THEIR SYSTEMS.  
BELGIUM, IRAN, ITALY AND INDIA HAVE PROBLEMS WITH ARTICLE  
4.3, 4.4 CHIEFLY WITH REGARD TO FURTHER CLARIFICATION OF  
INTENT AND METHODS OF IMPLEMENTATION.

(D) IMPLEMENTATION - LEGAL ASPECTS - (ARTICLES 5, 6, 7):  
WITH REGARD TO INTERNATIONAL COOPERATION PROCEDURES ADDRESSED  
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IN ARTICLE 5, POLAND NOTES THAT PROVISIONS OF 5.2(B)

(II) AND (III) ARE QUOTE EXCESSIVELY OBLIGATORY. 7,17953.

SWITZERLAND OBSERVES THAT SAME SECTIONS SHOULD CONTAIN

DEFINITION OF QUOTE ASSISTANCE UNQUOTE RENDERED ONE STATE BY ANOTHER. IN ITALY'S VIEW, THE OBLIGATIONS AMONG STATES AND IMPLEMENTING PROCEDURES ARE INSUFFICIENTLY CLEAR. WITH REGARD TO LIST OF PUNISHABLE OFFENSES, COVERED IN ARTICLE 6, AUSTRIA BELIEVES LIST TOO GENERAL IN NATURE, WHILE BELGIUM VIEWS LIST AS FAR TOO RESTRICTIVE. SOUTH AFRICA WOULD ADD TO LIST A FURTHER OFFENSE OF QUOTE FAILURE TO TAKE STEPS TO GUARD AGAINST UNQUOTE OTHER CRIMES LISTED. AS MIGHT BE PRESUMED, INDIA WOULD RESTRICT OFFENSES TO THOSE INVOLVING NUCLEAR MATERIAL UNDER INTERNATIONAL TRANSPORT.

4. SUGGESTIONS RE PRIOR CONSULTATIONS TO FOLLOW. STONE

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## Message Attributes

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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
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**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** MEETING ON PHYSICAL PROTECTION CONVENTION: HOW IT SHAPES UP  
**TAGS:** AORG, PARM, TECH, MNUC  
**To:** STATE  
**Type:** TE  
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